

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-4 are pending, with claims 3 and 4 being withdrawn from consideration. No claims are amended. The Examiner is respectfully requested to reconsider the rejections in view of the arguments and remarks set forth herein.

Claim for Priority

The Examiner has recognized Applicants' claim for foreign priority and receipt of the certified copy of the priority document. No further action is required at this time.

Drawings

Included with the accompanying Letter to the Official Draftsperson are proposed changes to label FIGS. 10 and 11 as "Background Art" and, in anticipation of approval, revised formal drawing therefor.

Acknowledgement of Information Disclosure Statement

The Examiner has acknowledged receipt of the Information Disclosure Statements filed November 28, 2001, and May 28, 2002, and has returned initialed copies of Forms PTO-1449. However, the Examiner is requested to also acknowledge receipt of the Information Disclosure Statement filed April 5, 2001, and to return an initialed copy of the Form PTO-1449 with the next official communication.

Election/Restriction

The Examiner has acknowledged Applicants' initial election of claims 1 and 2 and has withdrawn claims 3 and 4 from consideration.

Rejections Under 35 U.S.C. §102(b) and §103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over EP 0331447 and, separately, under 35 U.S.C. §103(a) as being unpatentable over EP 1447 in view of the so-called admitted prior art. These rejections are respectfully traversed.

EP 1447 discloses a method of producing a molded laminated article made from a crosslinked polyolefin resin foam, a skin material bonded to one surface of the crosslinked polyolefin resin foam, and a thermoplastic resin skeleton material joined to the other surface of the crosslinked polyolefin resin foam. The average expansion ratio in one surface of the crosslinked polyolefin resin foam is different from that in the other surface. See page 3, lines 47-51.

However, EP 1447 fails to teach or suggest the novel combination of elements set forth in the claims of the present invention.

It is an object of the present invention to avoid creating a shrinkage cavity when the foamed resin component and the resin cover are integrally subjected to a vacuum forming process. To achieve this object, the average diameter of cells existing in a region of the intermediate layer on a side of the surface layer is smaller than an average diameter of cells

existing in a region on a side of the base layer. Further, the resin cover and the foamed resin component are formed by evacuating gas from the cavity. That is, the cover is joined with one side of the intermediate layer where an average diameter of cells is small, and the base layer is joined with the other side of the intermediate layer where an average diameter of cells is large. These features are clearly recited in independent claim 1 of the present application and are illustrated in FIG. 2.

In contrast to Applicants' claimed invention, in claim 1 of EP '447, a skin material is bonded to the surface of the crosslinked polyolefin resin foam having a larger average expansion ratio (average diameter of cells), and the melt of a thermoplastic resin as a skeleton material is bonded to the surface having a smaller average expansion ratio. Thus, the side to which the cover is joined is opposite compared with the present invention.

Further, in EP '447, the composite is formed by joining a skin material to the crosslinked polyolefin resin foam. The thermoplastic resin as a skeleton material is joined to one side of the crosslinked polyolefin resin foam having smaller average expansion ratio by thermally compression molding. Thus, forming by vacuum evacuation is not used in EP '447.

Accordingly, EP '447 does not disclose the object of avoiding a shrinkage cavity when the foamed resin component and the resin cover are integrally subjected to a vacuum forming process, or the method of joining a base layer to a foamed resin component on a side having a large average diameter of cells, and forming the base layer and said foamed resin component by evacuating gas from the cavity.

Inasmuch as EP '447 fails to teach or suggest the novel combination of elements set forth in the claims of the present invention, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

Furthermore, a *prima facie* case of obviousness has not been established based on the all three of the required basic criteria of:

there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the references;

there must be a reasonable expectation of success; and

the prior art must teach or suggest all of the claimed limitations.

Clearly, EP '447 fails to teach the limitations of the present claims. As described above, the objectives disclosed in EP '447 are very different from the objectives of the present inventors. Thus, it is unreasonable to assume that the present inventors would be motivated to modify the teachings of EP '447 to achieve the present invention. Nor does Applicants' background art cure the deficiencies of EP '447 as a primary reference.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a), and allowance of independent claim 1 and dependent claim 2, are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

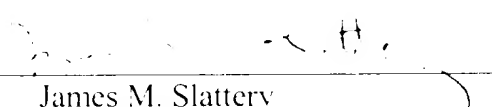
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery
Reg. No. 28,380

303-444P

JMS:CTT:rk



P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000